

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Jayson Galeano

v.

Civil No. 10-cv-530-JL

United States of America

**O R D E R**

The court conducted a telephone conference with counsel today regarding the 6th Amendment ineffective assistance issue.

While the parties do not agree on the constitutional sufficiency of defense counsel's performance, they do agree that the defendant cannot demonstrate the required prejudice under the familiar Strickland standard without showing that the audio and video recordings in question contain exculpatory material.

Habeas counsel has provided the recordings to the defendant, and is in the process of reviewing the recordings herself. On or before **July 31, 2013**, habeas counsel shall file a memorandum of points and authorities addressing the issue of prejudice under the Strickland standard in light of the content of the recording. The United States Attorney shall have 15 days to respond. Both counsel's filings should also address, citing applicable authority, the preliminary issue of defense counsel's performance on the assumption that he did not provide the recordings to the defendant.

**SO ORDERED.**



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Joseph N. Laplante  
United States District Judge

Dated: June 6, 2013

cc: Jaye L. Rancourt, Esq.  
Donald A. Feith, AUSA